

Participating and campaigning in the 2020 referendums

Summary of the rules

There will be two referendums held with the 2020 General Election on 17 October 2020.

This means that the 2-month regulated period, which runs from 18 August until 16 October, will cover expenditure on advertising for –

1. parliamentary elections (candidate and party votes)
2. the referendum on the Cannabis Legalisation and Control Bill
3. the referendum on the End of Life Choice Act 2019.

When someone goes to vote, they will be able to vote on all three. Like the election, there are rules on advertising, campaigning or influencing voters about the referendums.

This factsheet will help those participating to ensure they follow the rules.

What is referendum advertising?

You can't advertise or campaign on election day, or within 10m of an advance voting place.

A 'referendum advertisement' is an advertisement in any medium that could be seen as encouraging or persuading voters to vote or not vote in a particular way in either of the referendums.

Referendum advertising does not include editorial content (e.g. news items) or official government information campaigns.

Referendum advertising also does not cover the unpaid expression by individuals of their own personal political views on the internet (e.g. tweeting about which option you support).

Anything that counts as a referendum advertisement needs a promoter statement

This means the ad must display the name and address of who is behind the advertising.

The recommended format is 'Promoted by [your name], [your full street address].'

Not including a promoter statement is an offence which could lead to a fine of up to \$40,000.

Spending more than \$13,600 means you need to register

Individuals, organisations, and political parties must register as a 'registered promoter' with the Electoral Commission if they intend to spend over **\$13,600 per referendum** on referendum advertising during the 2-month regulated period (from 18 August).

If you need to do this, get in touch with us. The list of registered promoters is public.

You should keep good records of spending on referendum advertisements in case you reach this threshold.

Costs that count towards the \$13,600 threshold include all publication, design, distribution and paid labour costs. Separate limits apply to each referendum. If you only intend to spend, for example, \$8,000 on one referendum and \$8,000 on the other referendum, you won't need to register.

Spending more than \$100,000 means you need to file an expense return

After election day, the Electoral Commission will provide you with a form to tell us about your expenses if you spent more than \$100,000 on either referendum.

You'll need to file the return by 17 February 2021.

You must not spend more than \$338,000

Registered promoters can spend up to \$338,000 on referendum advertising in the regulated period. If you are campaigning in both referendums you can spend this much on each referendum.

There is no splitting of costs for referendum advertisements.

If one ad covers both referendum topics, count the total towards both limits (e.g. a \$1,000 billboard could count as both \$1,000 spent on the 'Cannabis Legalisation and Control Bill' referendum and \$1,000 spent on the 'End of Life Choice Act' referendum. If it was also an election advertisement it would be counted again as \$1,000 towards the election expense limit.



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